

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to Case Nos.:

16-cv-02518 (*Hylander v. 3M Co., et al.*)
 17-cv-02156 (*Downs v. 3M Co., et al.*)
 17-cv-02451 (*Brack v. 3M Co., et al.*)
 17-cv-02509 (*Church v. 3M Co., et al.*)
 17-cv-02533 (*Flynn v. 3M Co., et al.*)
 17-cv-02647 (*Holmes v. 3M Co., et al.*)
 17-cv-02809 (*Wolfson v. 3M Co., et al.*)
 17-cv-03383 (*Stringer v. 3M Co., et al.*)
 17-cv-03502 (*Pledger v. 3M Co., et al.*)
 17-cv-03953 (*Wolf v. 3M Co., et al.*)

**DEFENDANTS' MOTION TO DISMISS FOR LACK OF
SUBJECT-MATTER JURISDICTION**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(h)(3), Defendants 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively, “Defendants”) respectfully move the Court to dismiss the following plaintiffs’ cases for lack of subject-matter jurisdiction:

Case Number	Plaintiff(s)	Firm Name
0:16-cv-02518-JNE-FLN	Hylander*	The Olinde Firm, LLC
0:17-cv-02156-JNE-FLN	Downs	Kennedy Hodges, L.L.P.
0:17-cv-02451-JNE-FLN	Brack	Kennedy Hodges, L.L.P.
0:17-cv-02509-JNE-FLN	Church	Kennedy Hodges, L.L.P.
0:17-cv-02533-JNE-FLN	Flynn	Kennedy Hodges, L.L.P.
0:17-cv-02647-JNE-FLN	Holmes	Kennedy Hodges, L.L.P.

0:17-cv-02809-JNE-FLN	Wolfson	Kennedy Hodges, L.L.P.
0:17-cv-03383-JNE-FLN	Stringer	Kennedy Hodges, L.L.P.
0:17-cv-03502-JNE-FLN	Pledger	Kennedy Hodges, L.L.P.
0:17-cv-03953-JNE-FLN	Wolf	Kennedy Hodges, L.L.P.

*Indicates loss-of-consortium plaintiff

As set forth in Defendants' Memorandum of Law in Support of Motion to Dismiss for Lack of Subject-Matter Jurisdiction, the above-referenced plaintiffs died before the filing of their respective complaints. Dismissal of these cases for lack of jurisdiction is therefore appropriate under Federal Rules of Civil Procedure 12(b)(1) and 12(h)(3).

Dated: June 13, 2018

Respectfully submitted,

s/Benjamin W. Hulse

Jerry W. Blackwell (MN #186867)
 Benjamin W. Hulse (MN #0390952)
 Mary S. Young (MN #0392781)
 BLACKWELL BURKE P.A.
 431 South Seventh Street, Suite 2500
 Minneapolis, MN 55415
 Phone: (612) 343-3200
 Fax: (612) 343-3205
 Email: blackwell@blackwellburke.com
 bhulse@blackwellburke.com
 myoung@blackwellburke.com

Bridget M. Ahmann (MN #016611x)
 FAEGRE BAKER DANIELS LLP
 2200 Wells Fargo Center
 90 South Seventh Street
 Minneapolis, MN 55402
 Phone: (612) 766-7000
 Email: bridget.ahmann@faegrebd.com

*Counsel for Defendants 3M Company
 and Arizant Healthcare Inc.*